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4 **UNITED STATES DISTRICT COURT**

5 EASTERN DISTRICT OF CALIFORNIA

6
7 CLIFFORD POLLARD TURNER,

8 Plaintiff,

9 v.

10 JEWISH, *et al.*,

11 Defendants.

12 Case No. 1:23-cv-00287-BAM (PC)

13 ORDER STRIKING UNSIGNED COMPLAINT
14 AND REQUIRING PLAINTIFF TO FILE A
15 SIGNED COMPLAINT
(ECF No. 1)

16 ORDER DENYING *IN FORMA PAUPERIS*
17 APPLICATION WITHOUT PREJUDICE
(ECF No. 2)

18 ORDER TO SUBMIT PRISONER APPLICATION
19 TO PROCEED *IN FORMA PAUPERIS* OR PAY
20 FILING FEE

21 **THIRTY (30) DAY DEADLINE**

22 Plaintiff Clifford Pollard Turner (“Plaintiff”) is a Texas state prisoner proceeding *pro se* in
23 this civil rights action under 42 U.S.C. § 1983. Plaintiff initiated this action on February 27,
24 2023, together with a motion to proceed *in forma pauperis*. (ECF Nos. 1, 2.)

25 First, Plaintiff’s application to proceed *in forma pauperis* is incomplete. Plaintiff has
26 failed to submit a certified copy of his trust account statement and did not have an authorized
27 officer from his institution of incarceration complete the certificate portion of the form. Plaintiff
28 must appropriately complete the form and submit a certified copy of his trust account statement if
he wishes for the application to be considered.

29 Second, the Court is required to screen complaints brought by prisoners seeking relief
30 against a governmental entity and/or against an officer or employee of a governmental entity. 28
U.S.C. § 1915A(a). In preparing to screen the complaint, the Court noted that the signature page

1 of the complaint is missing, and therefore Plaintiff's complaint lacks any signature. Both the
2 Federal Rules of Civil Procedure and this Court's Local Rules require that all filed pleadings,
3 motions and papers be signed by at least one attorney of record or by the party personally if the
4 party is unrepresented. Fed. R. Civ. P. 11(a); Local Rule 131(b). As Plaintiff's complaint is
5 unsigned, the Court must strike it from the record. Plaintiff will be permitted **thirty (30) days** to
6 file a signed complaint that complies with Federal Rules of Civil Procedure and the Local Rules.

7 Based on the foregoing, it is HEREBY ORDERED that:

- 8 1. Plaintiff's motion to proceed *in forma pauperis*, (ECF No. 2), is DENIED, without
9 prejudice;
- 10 2. The Clerk of the Court is directed to serve this order and a blank *in forma pauperis*
11 application for a prisoner on Plaintiff;
- 12 3. Within **thirty (30) days** from the date of service of this order, Plaintiff SHALL file the
13 attached application to proceed *in forma pauperis*, completed and signed, including a
14 certified copy of his trust account statement for the past six months, or in the
15 alternative, pay the \$402.00 filing fee for this action;
- 16 4. Plaintiff's complaint, filed February 27, 2023, (ECF No. 1), is STRICKEN from the
17 record for lack of signature;
- 18 5. The Clerk of the Court is directed to send to Plaintiff a civil rights complaint form;
- 19 6. Within **thirty (30) days** from the date of service of this order, Plaintiff SHALL file a
20 signed complaint or a notice of voluntary dismissal; and
- 21 7. **Plaintiff is warned that the failure to comply with this order will result in**
dismissal of this action, without prejudice.

23 IT IS SO ORDERED.
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25 Dated: February 27, 2023

26 /s/ Barbara A. McAuliffe
27 UNITED STATES MAGISTRATE JUDGE
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